

## ***FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** November 13, 2014

**Agenda Item:** Repeal of ARM 12.9.206 McLean Game Preserve - Proposed

**Division:** Wildlife

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 10 Minutes

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### **Background:**

The 1,464 acre McLean Game Preserve (Pondera County), consisting entirely of private land closed to hunting, was established over 40 years ago to provide for upland game bird nesting habitat. Following the death of the original property owner, the land within the Preserve was purchased by two individuals. Since that time, much of the native rangeland has been converted to small grains production. The remainder is seasonally grazed and does not provide quality nesting habitat for upland game birds. One landowner desires to abandon the game preserve status and supports all hunting on his property within the Preserve. The other landowner does not support deer hunting on his property within the Preserve. Repealing the designation of the Preserve does not inhibit his choice to allow or not allow hunting on his portion of the preserve. Given the Preserve does not provide quality nesting habitat, precludes one landowner from allowing hunting, and repealing would not preclude the other landowner from allowing or not allowing hunting on his land, it is the opinion of the Department that the best course of action is to examine repealing the designation of the Preserve. The Preserve was established through the ARM process. FW Commission approval is needed to initiate the process to evaluate repealing ARM 12.9.206 which established the McLean Game Preserve.

### **Public Involvement Process & Results**

FWP has not sought public comment at this time. Upon approval to proceed from the F&W Commission, FWP would conduct the appropriate public review process. FWP has had conversations with the landowners within the preserve as mentioned above.

### **Alternatives and Analysis:**

If the Commission chooses not to propose repealing ARM 12.9.206, the designation of the game preserve will remain.

### **Agency Recommendation & Rationale:**

FWP recommends the F&W Commission propose repealing ARM 12.9.206 and the game preserve designation. Currently, the McLean Game Preserve does not provide quality upland game bird nesting habitat, precludes one landowner from allowing hunting on his property within the preserve, and repealing would not preclude the other landowner from allowing or not allowing hunting on his property.

### **Proposed Motion:**

I move the F&W Commission approve for public comment the proposed repeal of ARM 12.9.206 Mclean Game Preserve.